



# THE CLIMATE RISK AND EMERGENCY SUPPORT IN LIVABLE INCLUSIVE AND EQUITABLE NEIGHBORHOODS AND COMMUNITIES EVERYWHERE (RESILIENCE) ACT

## SECTION-BY-SECTION

**Section 1.** Short Title.

**Section 2.** Findings.

**Section 3.** Definitions.

Updates Stafford Act Section 102 (42 U.S.C. 5122), definitions, to:

- Amend the definition of a “major disaster” to include extreme temperature events, including heat waves and freezes; and
- Establish a definition for “resilience” which was required under Disaster Recovery Reform Act in 2018 but has yet to be formalized.

**Section 4.** Federal and State Preparedness and Mitigation Assistance.

Updates Stafford Act Section 201 (42 U.S.C. 5131), Federal and State Disaster Preparedness Programs, to expand eligible activities under these programs, including:

- Improving building insulation and ventilation in the face of extreme temperatures and wildfires;
- Improving fire and seismic resilience of structures;
- Complying with most recent consensus-based building codes;
- Enhancing natural climate resilient infrastructure like urban tree canopy and green space;
- Developing emergency plans for disadvantaged communities, including people experiencing homelessness, disabled residents, children, the elderly, non-native English speakers, residents lacking access to reliable transportation, as well as for pets and service animals; and
- Developing community resilient climate infrastructure, often referred to as “resilience hubs” including emergency transportation and resilient energy infrastructure.

Also requires FEMA to coordinate with other relevant agencies, such as Department of Energy and Department of Transportation, to improve collaboration on these activities.

**Section 5.** Pre-Disaster Mitigation.

Updates Stafford Act Section 203 (42 U.S.C. 5133), Pre-Disaster Hazard Mitigation, including by:

- Updating the definition of “underserved community” to be more comprehensive and inclusive;



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- Establishing a definition for “disadvantaged communities” based on the Center for Disease Control’s Social Vulnerability Index, as well as other demographic factors such as income, race and ethnicity data, homelessness, language composition, transportation access, and more;
- Defining private non-profit organizations, the lack of which has been an obstacle for some communities because non-profits are sometimes better positioned than local governments to administer grant funding;
- Expanding the “principle” use of funds to include considerations for equity;
- Establishing and providing financial and non-financial direct technical assistance to underserved and disadvantaged communities;
- Expanding the list of eligible activities for pre-disaster mitigation assistance to include many of the same activities listed under Section 4 (above);
- Increases the federal cost share for underserved and disadvantaged communities to 100%, given the significant barrier imposed by the previous 90% cost share; and
- Increases the federal set-aside for the disaster relief fund to ensure there is adequate funding for these activities and communities.

### **Section 6. Hazard Mitigation Plans.**

Updates Stafford Act Section 322 (42 U.S.C. 5165), Mitigation Planning, including by requiring that within five years States, Tribes, and Territories will:

- Incorporate, for the first time, resilience goals into their plans—with guidance from FEMA;
- Integrate plans with other mitigation planning processes, including capital improvement budgets and transportation planning;
- Improve building code requirements;
- Expand the use of nature-based solutions;
- Integrate local plans; and
- Address disparate impacts on disadvantaged communities.

FEMA will report on the progress of meeting resilience goals, required by these plans, every five years.

This section also requires adequate staffing, including hazard mitigation planning staff and personnel with expertise in community planning, land use development, and consensus based building codes, at each regional office.

### **Section 7. Minimum Standards for Public and Private Structures.**

Updates Stafford Act Section 323 (42 U.S.C. 5165a(a)(1)), Minimum Standards for Public and Private Structures, to ensure that structures receiving funds under disaster loan and grant projects are meeting the most recent building codes and hazard resistant designs, consistent with building code requirements added in 2018 under the Disaster Relief Reform Act (Pub. L. 115-254).



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### **Section 8.** General Federal Assistance.

Updates Stafford Act Section 402 (42 U.S.C. 5170a(5)), General Federal Assistance, to ensure that assistance provided and used for structures during major disasters meets the most recent building codes and hazard resistant designs, consistent with building code requirements added in 2018 under the Disaster Relief Reform Act.

### **Section 9.** Hazard Mitigation.

Updates Stafford Act Section 404 (42 U.S.C. 5179c), Hazard Mitigation, by expanding the list of eligible activities, including:

- Complying with most recent building codes and hazard resistant designs;
- Abating lead, mold, mildew, radon, asthma and allergen triggers, or pollutants related to major disasters and emergencies;
- Improving air quality, fire resistance, and seismic resistance; and
- Replacing mobile homes, travel trailers, and manufactured homes, including by partnering with state and local housing agencies and non-profits, to reduce costs and comply with consensus-based codes and hazard resistant designs.

### **Section 10.** Repair, Restoration, and Replacement of Damaged Facilities.

Updates Stafford Act Section 406 (42 U.S.C. 5172(c)(1)(B)), Repair, Restoration, and Replacement of Damaged Facilities, by expanding the list of eligible activities, including:

- Complying with most recent building codes and hazard resistant designs;
- Abating lead, mold, mildew, radon, asthma and allergen triggers, or pollutants related to major disasters and emergencies; and
- Improving air quality, fire resistance, and seismic resistance.

### **Section 11.** Federal Assistance to Individuals and Households.

Updates Stafford Act Section 408 (42 U.S.C. 5174(c)(2)), Federal Assistance to Individuals and Households, by expanding the list of eligible activities, including:

- Complying with most recent building codes and hazard resistant designs;
- Abating lead, mold, mildew, radon, asthma and allergen triggers, or pollutants related to major disasters and emergencies; and
- Improving air quality, fire resistance, and seismic resistance.

### **Section 12.** Report to Congress and Update of Cost Effectiveness Determination.

Requires a report to Congress within one year regarding the challenges posed by the Agency's requirements for determining the cost effectiveness of mitigation activities and, specifically, how these requirements disproportionately burden underserved or disadvantaged communities. These requirements have long been considered a barrier to equity within the agency, often favoring wealthy neighborhoods with higher home values.

Requires FEMA to update its requirements for cost effectiveness determinations within two years, or as soon as is practicable, based on these findings.